

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LAMBERT ADUMEKWE,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	CIVIL ACTION NO. H-06-0659
	§	
SECURITAS USA INC.,	§	
	§	
Defendant.	§	

ORDER

Lambert Adumekwe, appellant, asks the court to allow him to proceed *in forma pauperis* on appeal, without prepayment of fees. (Docket Entry No. 33). Rule 24 of the Federal Rules of Appellate Procedure provides:

A party who was permitted to proceed *in forma pauperis* in the district-court action, . . . may proceed on appeal in forma pauperis without further authorization, unless:

A. *the district court*—before or after the notice of appeal is filed—*certifies that the appeal is not taken in good faith* or finds that the party is not otherwise entitled to proceed in forma pauperis and states its reasons for the certification or finding.

FED. R. APP. P. 24(a)(3) (emphasis added). The Fifth Circuit has set forth the standard that a district court must follow in deciding whether to grant a party leave to appeal *in forma pauperis*:

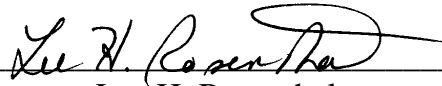
“Good faith” is demonstrated when a party seeks appellate review of any issue “not frivolous.” . . . An investigation into the in forma pauperis movant’s objective good faith, while necessitating a brief inquiry into the merits of an appeal, does

not require that probable success be shown. The inquiry is limited to whether the appeal involves “legal points arguable on their merits (and therefore not frivolous).”

Howard v. King, 707 F.2d 215, 219-220 (5th Cir. 1983) (citations omitted). The district court should consider any pleadings and motions of a *pro se* litigant under less stringent standards than those applicable to licensed attorneys. *Haines v. Kerner*, 404 U.S. 519, 520 (1972).

This court has found no legal point arguable on the merits. Finding that appeal would be frivolous, this court certifies that the appeal is not taken in good faith and Adumekwe should not be allowed to proceed on appeal *in forma pauperis*. His motion, Docket Entry No. 33, is denied. If Adumekwe disagrees with this court’s denial of his motion to proceed on appeal *in forma pauperis* and the finding that the appeal is not taken in good faith, he may petition the Fifth Circuit for a review of the decision.

SIGNED on February 15, 2007, at Houston, Texas.



Lee H. Rosenthal
United States District Judge